Preparatory Committee for the 1995 Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.1995/PC.IV/6
25 January 1995

ORIGINAL: ENGLISH

Fourth session
New York, 23-27 January 1995

LETTER DATED 25 JANUARY 1995 FROM THE PERMANENT REPRESENTATIVE OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA ADDRESSED TO THE CHAIRMAN OF THE PREPARATORY COMMITTEE FOR THE 1995 CONFERENCE OF THE PARTIES TO THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS

I have the honour to enclose herewith the aide-mémoire of the General Department of Atomic Energy of the Democratic People's Republic of Korea dated 23 January 1995 (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the fourth session of the Preparatory Committee for the 1995 Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

(Signed) PAK Gil Yon
Ambassador
Permanent Representative

95-02249 (E) 260195 270195

/...

ANNEX

Aide-mémoire dated 23 January 1995 of the General Department of Atomic Energy of the Democratic People's Republic of Korea

1. The General Department of Atomic Energy of the Democratic People's Republic of Korea categorically rejects the misrepresentation of its implementation of the Safeguards Agreement (INFCIRC/403) contained in the background document prepared by the secretariat of the International Atomic Energy Agency (IAEA) to be presented to the 1995 Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, and issues the present aide-mémoire to put straight the truth thereof.

I. THE "INCONSISTENCIES"

2. The "inconsistencies" are a deliberate fabrication by the IAEA secretariat. The "inconsistencies" allegedly found by the IAEA secretariat consist in the discrepancy between the Democratic People's Republic of Korea's initial declaration to the Agency and the Agency's calculations with respect to the composition and quantity of plutonium and in the discrepancy between the composition rate of plutonium and that of waste liquid.

3. In its previous consultations with the IAEA secretariat and its contacts with its inspectors, the Democratic People's Republic of Korea has fully explained the reasons why the so-called "inconsistencies" came about.

4. The discrepancy concerning the composition and quantity of plutonium as compared with the Agency's calculations came from the failure by the IAEA secretariat to make a separate calculation, instead of their average calculation, of the composition and quantity of plutonium on the basis of the burn-up rate of the damaged fuel rods used for extracting plutonium. This was the reason why the Agency inspectors, who were in the Democratic People's Republic of Korea in February 1993, said that the "inconsistencies might have come from the Agency's calculation error" and also agreed that "recalculation will have to be made before resuming consultations".

5. Another discrepancy concerning the composition rate of plutonium as compared with that of waste liquid came in 1975 when the Democratic People's Republic of Korea scientists poured the solution from the basic experiment of plutonium extraction into the waste tank. This is a fact that the Democratic People's Republic of Korea fully explained to the Agency's Director General during his visit to the Democratic People's Republic of Korea in May 1992, when the Democratic People's Republic of Korea briefed him on its nuclear activities. This was a simple matter and was how things actually stood.

6. Notwithstanding this fact, the Agency's Director General stretched the unconfirmed "inconsistencies" into fait accompli and called on the Democratic People's Republic of Korea, on 9 February 1993, to accept "special inspections", even before the beginning of recalculation by the inspectors, who had arrived in Vienna only on 8 February.

7. The Democratic People's Republic of Korea could not accept the "special inspections" demanded by the Agency, which had deliberately refused to acknowledge both the "inconsistency" resulting from the IAEA secretariat's own calculation error and the "inconsistency" coming from the movement of the solution from the basic experiment of plutonium extraction into the waste tank, and, therefore, when the Democratic People's Republic of Korea refused such an unfair demand, it was an exercise of the legitimate rights of a sovereign State.

II. THE USE OF "INTELLIGENCE INFORMATION" AND "SATELLITE PHOTOGRAPHS"

8. The IAEA secretariat is not entitled to apply "intelligence information" and "satellite photographs" provided by a third State party to its safeguards activities, for the Agency secretariat is not empowered to do so.

9. As is well known to all the State parties, the meetings of the Agency's Board of Governors in December 1991 and again in February 1992 debated the issue of the applicability of "intelligence information" and "satellite photographs". But at those meetings, the idea of applying such information was voted down by the non-nuclear-weapon States parties of the third world, as any application of such information would be likely to legalize the Agency's interference in the internal affairs of the State parties.

10. Nevertheless, the IAEA secretariat has openly applied the forged "intelligence information" and "satellite photographs" provided by a third State party to its inspections in the Democratic People's Republic of Korea.

11. The IAEA secretariat created suspicions about the nuclear activities of the Democratic People's Republic of Korea by screening the slide film of the forged "satellite photographs" at the informal session of the Board of Governors on 22 February 1993, and, subsequently, on 25 February, engineered a "resolution calling for special inspections" in the Democratic People's Republic of Korea through the Agency's Board meeting.

12. The Democratic People's Republic of Korea could never allow its security to be jeopardized by the IAEA secretariat, which joined a big power in the latter's espionage acts through the Agency's leverage of inspections, rather than perform inspections under the Agency's Statute and the Safeguards Agreement.

III. INSPECTIONS OF THE "TWO SITES"

13. Inspections of the "two sites" called for by the IAEA secretariat have no relevance whatsoever to the nuclear facilities of the Democratic People's Republic of Korea, but are aimed at its conventional military sites, which are exempt from the Agency's inspections.

14. One of the "two sites" referred to by the IAEA secretariat was confirmed to be a military site in September 1992 by the third team of Agency inspectors through their inspections arranged at the request of the IAEA Director General.

This notwithstanding, on 22 December 1992, the Director General asked the Democratic People's Republic of Korea for access to the two military sites, including the already inspected one, where the Agency intended to drill and take samples. Military installations have been built in the Nyongbyon area for the defence of the nuclear facilities there. Any demand for the opening of these sites is tantamount to demanding the Democratic People's Republic of Korea to disarm itself.

15. Although the Democratic People's Republic of Korea is obligated to accept inspections by IAEA under the Safeguards Agreement, it is not duty-bound at all to open even military sites for inspection, and the IAEA secretariat is not entitled, in its rights, to inspect military sites of the States parties.

IV. THE "SPECIAL INSPECTIONS"

16. The IAEA secretariat manoeuvred the Agency's Board meeting on 25 February 1993 into passing a Board "resolution" calling on the Democratic People's Republic of Korea to accept "special inspections" over the so-called "inconsistencies" and the "two sites".

17. This was a flagrant violation of the sovereignty of the Democratic People's Republic of Korea and a provocative act aimed at disarming the Democratic People's Republic of Korea. Therefore, the Democratic People's Republic of Korea took the self-defensive measure on 12 March 1993 of declaring its withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons, in order to safeguard its supreme interests.

V. INSPECTIONS FOR CONTINUITY OF SAFEGUARDS

18. The concept of inspections for the continuity of safeguards is an inspection regime which the Democratic People's Republic of Korea has permitted as a goodwill measure after its declaration of withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons, and the United States of America and the IAEA secretariat have both agreed to this inspection regime.

19. The Democratic People's Republic of Korea accepted in May and August 1993 teams of Agency inspectors for the purpose of reloading and servicing the surveillance devices the Agency has installed at its nuclear facilities, and decided to accept IAEA inspections for the purpose of providing the continuity of safeguards, in line with its unique status based on its temporary suspension of the effectuation of its declared withdrawal from the Treaty and in accordance with the Democratic People's Republic of Korea-United States of America agreements of 29 December 1993, 25 February and 21 October 1994, and the Democratic People's Republic of Korea-IAEA agreement of 15 February 1994.

20. Despite these facts, the IAEA secretariat has distorted the truth in its reports to the meetings of the Agency's Board and General Conference of the United Nations and of the States parties to the Treaty, in declaring that the Democratic People's Republic of Korea is in "non-compliance" with the Safeguards Agreement.

21. The Democratic People's Republic of Korea's unilateral decision on the temporary suspension of the effectuation of its withdrawal from the Treaty was a policy commitment it had made to the United States at its talks with that country. It is on the basis of this policy commitment that the Democratic People's Republic of Korea has been permitting inspections by IAEA for the continuity of safeguards.

VI. THE DISCHARGE OF FUEL RODS

22. The Democratic People's Republic of Korea notified the IAEA secretariat beforehand of its plan to refuel the reactor core at the Experimental Atomic Power Plant on four occasions - 19, 26 and 29 April and 2 May 1994 - and even when the secretariat was trying to hinder the core discharging campaign, the Democratic People's Republic of Korea discharged the fuel rods on the principle of preserving the technical possibilities for their later measurement in conformity with its unique status based on the temporary suspension of the effectuation of its withdrawal from the Treaty.

23. The Democratic People's Republic of Korea's defuelling operation was conducted under surveillance by mechanical means, including the spent fuel rod counter, thermal luminescence detectors and monitoring cameras, and two IAEA inspectors were present at the site during the discharging operation.

24. In addition, the Democratic People's Republic of Korea held consultations with the delegation of IAEA in Pyongyang and Nyongbyon from 25 to 28 May 1994, discussing the method of preserving technical possibilities for later measurement of fuel rods at the site of the core discharging operation. At present the discharged fuel rods remain in the spent fuel storage ponds.

25. The Democratic People's Republic of Korea has also held consultations in Pyongyang with the United states on the safe storage of the spent fuel rods, as specified in the Agreed Framework between the Democratic People's Republic of Korea and the United States of America. These fuel rods now remain placed under IAEA surveillance.

VII. IMPLEMENTATION OF THE INSPECTION OBLIGATIONS UNDER THE AGREED FRAMEWORK

26. The Democratic People's Republic of Korea has been implementing in good faith its inspection obligations under the Agreed Framework signed at Geneva on 21 October 1994.

27. The Democratic People's Republic of Korea has already suspended the construction of its atomic power plants of 50 megawatt and 200 megawatt capacities, has neither reloaded fuel rods into the reactor at the Experimental Atomic Power Plant nor reprocessed the spent fuel rods, and has shut down operation of the Radiochemical Laboratory and Fuel Rod Fabrication Plant.

28. A precise implementation of the Agreed Framework will lead to the resolution of the nuclear issue on the Korean Peninsula in keeping with the

demands and expectations of all countries. Therefore, in the statement by the President of the Security Council of 4 November 1994 (S/PRST/1994/64), the Council "noted with satisfaction" the Agreed Framework between the Democratic People's Republic of Korea and the United States of America "as a positive step in the direction of denuclearizing the Korean Peninsula and maintaining peace and security in the region".

29. In line with the Agreed Framework recognized by the Security Council and by all countries, Democratic People's Republic of Korea and United States experts are now engaged in working-level consultations on the delivery of light-water reactors, the storage of the spent fuel rods, shipment of heavy oil and the establishment of liaison offices, and progress has been made in other fields as well. The Democratic People's Republic of Korea expects a precise implementation of the Agreed Framework, and believes that nothing should interfere with the implementation of the framework accord.